

United States District Court  
For The Southern District of Texas  
Galveston Division

United States Courts  
Southern District of Texas  
FILED

DEC - 5 2016

David J. Smith, Esq., ... : Court

Travis James Mullis  
Petitioner

Case No 3:13-CV-00121

V  
Lorie Davis  
Respondent

THIS IS A CAPITAL CASE

Motion To Rescind ~~the~~ Previous Motion To Waive  
Appeal & To Terminate Evidentiary Hearing.

To this honorable court comes now Travis James Mullis  
Petitioner filing Pro-se. Requesting To Withdraw & Rescind  
his Previous Motion to waive Appeal & Terminate Counsel  
filed on Nov 30<sup>th</sup>, 2015 (Docket entry 50) and Cancel  
The evidentiary Hearing set for January 9<sup>th</sup>, 2017.  
Thereby Allowing Appeals to Continue at this time.

On November 30<sup>th</sup>, 2015 The undersigned  
Petitioner filed with this court A Motion to waive APPEAL  
and Terminate Counsel. On December 3<sup>rd</sup>, 2015 Attorneys for  
The Respondent filed A Motion To LIFT STAY (Docket 51)  
effectively Asking The court To Allow Proceedings To Evaluate  
Petitioners Pro-se Request. On 12/24/15 Counsel for  
Petitioner filed an opposing Motion to the Lift of the Stay  
(See Docket 54) →  
(Cver)

On 1/15/16 This petitioner pro-se filed a Response in support of the states motion to lift the stay (Docket 56) This court subsequently set a hearing for 2/12/16 via teleconference. In this hearing this court accepted the motion by this undersigned petitioner pro-se and lifted the stay for the purposes of the evaluation to waive. This court also appointed Dr. Timothy Proctor to evaluate this petitioner for competency.

Since the Feb 12<sup>th</sup> hearing much dialogue between counsel this petitioner has ensued. Including evaluation by an additional expert retained by counsel. More recently this petitioner filed a motion for discovery requesting to be included in full discovery in accordance with the joint pre hearing schedule.

After Discovery of much of this material and reports by experts & declarations by lay witnesses in conjunction with continued discussions and consultation with petitioner counsel. This petitioner has determined to撤回 his/her motion to waive appeals, and to request that this court allow for the revocation of said request and to cancel the January 9<sup>th</sup> hearing allowing the appeal to proceed forward.

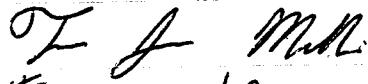
While This Petitioner and his Counsel have had at times  
Continuing disagreements as to his Competency to  
make such a decision to waive while we have  
come to agreements on much more with regard  
to how to conduct a proper appeal if it were  
pursued. Part of the competency determination  
is that the party waiving must have an  
adequate understanding of his legal options  
and the ability to decide upon those. This Petitioner  
believes he has this competency however additional  
review with counsel's assistance of other legal  
options besides waiver and ways to conduct such  
have led this petitioner to determine there are  
better avenues & options to pursue other than waiving.  
Thereby this petitioner has decided to pursue such  
alternative options without waiving at this time.

This ~~Petitioner~~ Petitioner for the record certifies  
to support his competence to waive and  
this reciting of a waiver does not constitute  
a concession of non-competency. But rather  
is a part of his many subsequent competent  
decisions with respect to pursuing them  
as an alternative to waiving.

(over)

This Petitioner hereby requests That This Court  
Allow him To Rescind his Motion To Waive Appeals  
and Asks This Court To Cancel The January 9<sup>th</sup> hearing  
Thereby Allowing This Appeal To move forward. This  
Court may elect To reinstate its previous Stay & Abey  
or To not do so allowing the Federal W.L.T To Proceed  
at this Courts level. Either way This Petitioner  
Asks The Court To Allow for the revocation of  
the Previous request to waive and To Cancel  
Said hearing. Such hearing now would only waste the Courts Time.

Wherefore premises considered, This Petitioner  
Prays This Court will Grant the Motion To  
Rescind Previous motions to waive and Cancel The  
January 9<sup>th</sup> hearing allowing This Petitioner to  
Proceed with his appeal. Counsel for Petitioner  
May file a similar request forthcoming. And  
This undersigned Petitioner Pro Se will gladly  
Speak to the Court via Teleconference if it  
has Any questions forthcoming. If the January  
9<sup>th</sup> hearing is not canceled for some reason, This Petitioner  
hereby waives his right to attend & participate  
in person or otherwise. As he does not support  
Such hearing.

Respectfully Submitted,  
Travis James Mullis  
  
#999563 / Polkson, Unit

11/30/16

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To The Clerk or Court.

Date: 11/30/16 Court:

Please ensure this court receives the "Motion  
To Rescind Previous Motion To Waive and Cancel  
Evidence hearing" As soon as possible.

The case no# is # 3:13-CV-00121  
THIS IS A CAPITAL CASE

This motion affects a potential upcoming hearing  
which the undersigned seeks to cancel and  
Waive ~~because~~ therefore this motion is time sensitive  
to avoid delays or errors in the process.

Thank you,  
Travis James Mallis  
#999563  
Petitioner - Pro se